

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: Karen M. Prokapus

Case No.: 16-14196

Debtor(s)

Judge:

Chapter:

13

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☐ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: 8/23/2016

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor paid \$3,225.00 to date, and shall pay \$1,214.00.00, commencing on September 1, 2016, for 55 remaining months, for a total plan of approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒

Future Earnings

☐

Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐

Sale of real property

Description:

Proposed date for completion: _____

☐

Refinance of real property

Description:

Proposed date for completion: _____

☒

Loan modifications with respect to mortgages encumbering properties

Description: 32 Highpoint Drive, Medford, NJ & 401 W. Evesham Ave, Magnolia, NJ, & 100 Jackson Rd., Waterford, NJ.

Proposed date for completion: 9/18/2016

d.

☐

The regular monthly mortgage payments will continue pending the sale, refinance or loan modification.

e.

☐

Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ 3,290.49 to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to Wells Fargo Home Mortgage (32 Highpoint Drive, Medford, NJ) which represents 100% of the monthly mortgage payment loan mod. trial payments.

c. Adequate protection payments will be made in the amount of \$ 1,404 to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to Wells Fargo Home Mortgage (401 W. Evesham Ave., Magnolia, NJ) which represents 100% of the monthly mortgage payment.

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Robert Manchel	Attorney Fees	3,500.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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<u>Wells Fargo Home Mortgage</u>	<u>32 Highpoint Drive, Medford, NJ)</u>	payments to made per offered loan mod. trial plan payments	n/a	0.00	regular monthly mortgage payment
<u>Wells Fargo Home Mortgage</u>	<u>401 W. Evesham Ave., Magnolia,</u>	proposed to be settled by loan modification	n/a	\$47,849. 83	regular monthly mortgage payment
Shellpoint Mortgage Servicing/ Wilmington Savings Fund Society	100 Jackson Rd. Waterford, NJ.	per offered loan modification	n/a	0.00	regular monthly mortgage payment
Ocwen Loan Servicing LLC / The bank of New York Mellon	110 Jackson Road, Berlin, NJ	\$4,888.90	n/a	\$4,888.90	regular monthly mortgage payment

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
-NONE-							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor

Santander Consumer Usa (auto loan)

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

_____ Not less than \$ ____ to be distributed *pro rata*

_____ Not less than ____ percent

 X *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. **Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims (100% to general unsecured creditors)**

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
Part 1 a reduced monthly payment. Part 2 b reduced monthly payment per offered loan mod trial plan. Part 4 a, eliminated payment of arrears for Medford property, as a result of offered loan mod. trial plan. Part 4 a, added mortgage arrears to be paid, as no results on loan mod. app for Magnolia property. Part 8, c, reflects payment of 100% of unsecured debt. Ocwen / The bank of NY. Mellon was removed from 4 d, and added to 4 a , to pay arrears.	same
Are Schedules I and J being filed simultaneously with this modified Plan? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date August 23, 2016

/s/ Robert Manchel

Robert Manchel

Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: August 23, 2016 ///

/s/ Karen M. Prokapus

Karen M. Prokapus /

Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 7 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Karen M. Prokapus
 Debtor

Case No. 16-14196-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 39

Date Rcvd: Sep 12, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 14, 2016.

db
 cr
 +Karen M. Prokapus, 32 High Point Drive, Medford, NJ 08055-3816
 +The Bank of New York Mellon, c/o Robertson, Anschutz & Schneid P.L., 6409 Congress Ave., Suite 100, Boca Raton, FL 33487-2853
 516042330 +Amex, Po Box 297871, Fort Lauderdale, FL 33329-7871
 516042331 +Capl/boscv, 26525 N Riverwoods Blvd, Mettawa, IL 60045-3440
 516281005 Capital One NA, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 516042332 +Chase Mtg, Po Box 24696, Columbus, OH 43224-0696
 516042333 +Comenity Bank/anntylr, Po Box 182789, Columbus, OH 43218-2789
 516042334 +Comenity Bank/fortunof, Po Box 182789, Columbus, OH 43218-2789
 516042335 +Comenity Bank/frtnfvsa, 4590 E Broad St, Columbus, OH 43213-1301
 516042336 +Comenity Bank/jcrewinc, Po Box 182789, Columbus, OH 43218-2789
 516042337 +Comenity Bank/vctrsssec, Po Box 182789, Columbus, OH 43218-2789
 516295370 Department Store National Bank, c/o Quantum3 Group LLC, PO Box 657, Kirkland, WA 98083-0657
 516042338 +Dsnb Macys, 9111 Duke Blvd, Mason, OH 45040-8999
 516042339 +Fnb Omaha, Po Box 3412, Omaha, NE 68103-0412
 516185152 +MIDLAND FUNDING LLC, PO Box 2011, Warren, MI 48090-2011
 516106943 NRPL Trust Series 2015-1, c/o Shellpoint Mortgage Servicing, PO Box 10826, Greenville, SC 29603-0826
 516042343 +Ocwen Loan Servicing L, 12650 Ingenuity Dr, Orlando, FL 32826-2703
 516042344 +Powers Kirn LLC, 728 Marne Highway, Suite 200, Moorestown, NJ 08057-3128
 516042345 Rymr&flnign, CscI Dispute Team, Des Moines, IA 50306
 516063002 +Santander Consumer USA Inc., PO Box 560284, Dallas, TX 75356-0284
 516068205 +Santander Consumer USA Inc., P.O. Box 961245, Fort Worth, TX 76161-0244
 516042346 +Santander Consumer Usa, Po Box 961245, Ft Worth, TX 76161-0244
 516042352 +Td Bank Usa/targetcred, Po Box 673, Minneapolis, MN 55440-0673
 516290767 The Bank of New York Mellon, c/o Ocwen Loan Servicing, LLC, Attn: Bankruptcy Department, P.O. Box 24605, West Palm Beach, FL 33416-4605
 516284168 +The Bank of New York Mellon, Robertson, Anschutz & Schneid, P.L., 6409 Congress Ave., Suite 100, Boca Raton, FL 33487-2853
 516042353 ++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING, ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203 (address filed with court: Wells Fargo Hm Mortgag, 8480 Stagecoach Cir, Frederick, MD 21701)
 516259703 Wells Fargo Bank, N.A., Attn: Default Document Processing, MAC# N9286-01Y, 1000 Blue Gentian Road, Eagan, MN 55121-7700
 516042354 +Wfhm, Po Box 659558, San Antonio, TX 78265-9558

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg E-mail/Text: usanj.njbankr@usdoj.gov Sep 12 2016 23:40:43 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Sep 12 2016 23:40:39 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 516276273 +E-mail/Text: bnc@bass-associates.com Sep 12 2016 23:39:50 Cavalry SPV I, LLC, c/o Bass & Associates, P.C., 3936 E. Ft. Lowell Rd., Suite 200, Tucson, AZ 85712-1083
 516042340 +E-mail/Text: bankruptcy@icsystem.com Sep 12 2016 23:41:14 I C System Inc, Po Box 64378, Saint Paul, MN 55164-0378
 516042341 +E-mail/Text: bnckohlsnotices@becket-lee.com Sep 12 2016 23:40:06 Kohls/capone, N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096
 516042342 E-mail/Text: camanagement@mtb.com Sep 12 2016 23:40:28 M&t Bank, 1 Fountain Plz Fl 4, Buffalo, NY 14203
 516042348 +E-mail/PDF: gecsed@recoverycorp.com Sep 12 2016 23:42:45 Synch/banarepdc, Po Box 965005, Orlando, FL 32896-5005
 516042349 +E-mail/PDF: gecsed@recoverycorp.com Sep 12 2016 23:42:45 Synch/care Credit, C/o P.o. Box 965036, Orlando, FL 32896-0001
 516042350 +E-mail/PDF: gecsed@recoverycorp.com Sep 12 2016 23:42:45 Synch/gap, Po Box 965005, Orlando, FL 32896-5005
 516042351 +E-mail/PDF: gecsed@recoverycorp.com Sep 12 2016 23:42:45 Synch/home Design Furn, Po Box 965036, Orlando, FL 32896-5036
 516277482 +E-mail/Text: bncmail@w-legal.com Sep 12 2016 23:40:48 TD Bank USA, N.A., C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 TOTAL: 11

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516279148* Wells Fargo Bank, N.A., Attn: Default Document Processing, MAC# N9286-01Y, 1000 Blue Gentian Road, Eagan, MN 55121-7700
 516042347 ##+Saxon Mortgage Service, 4708 Mercantile Dr N, Fort Worth, TX 76137-3605

TOTALS: 0, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 39

Date Rcvd: Sep 12, 2016

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 14, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 9, 2016 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor Wilmington Savings Fund Society, Et Al...
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Joshua I. Goldman on behalf of Creditor Wilmington Savings Fund Society, Et Al...
jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com
Patrick O. Lacsina on behalf of Creditor The Bank of New York Mellon placina@caplaw.net,
gshasa@rasnj.com, bmusarra@rasnj.com, bkyecf@rasflaw.com, legerman@rasnj.com
Robert Manchel on behalf of Debtor Karen M. Prokapus manchellaw@yahoo.com
William M.E. Powers on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com
William M.E. Powers, III on behalf of Creditor Wells Fargo Bank, N.A. ecf@powerskirn.com
TOTAL: 8